

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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CACCAVALE, et al.,

Plaintiff(s),

– against –

HEWLETT-PACKARD COMPANY, et al.

Defendant(s).
-----X

:
: 20-CV-00974 (GRB) (AKT)
:

: **[PROPOSED]**
: **INITIAL CASE**
: **MANAGEMENT AND**
: **SCHEDULING ORDER**
:
:

A. KATHLEEN TOMLINSON, Magistrate Judge:

I. DEADLINES AND COURT APPEARANCES

Deadline for completion of initial disclosures
required by Rule 26(a):

July 10, 2020.

First request for production of documents,
first request for admissions and
first request for interrogatories due by:

Plaintiffs propose August 14, 2020.

Defendants propose 10 days after the Court's decision on Defendants' proposed Motion(s) to Dismiss the Amended Complaint if the Court's decision does not result in the dismissal of the case or, at a minimum, the parties make a proposal to Your Honor after their conference before Judge Brown currently scheduled for July 15, 2020. In any event, Defendants reserve the right to object to requests for admissions as premature.

Responses to first request for production
of documents, first request for admissions
and first set of interrogatories due by:

Plaintiffs propose September 28, 2020.

To the extent Defendants' proposal
above is accepted, Defendants propose

responses and objections be served in accordance with the time limits under the Fed. R. Civ. P.

Deadline for joinder of additional parties and amendment of pleadings:

October 9, 2020

Status Conference: _____

II. CHECKLIST TO BE COMPLETED BY THE PARTIES AND RETURNED WITH THE RULE 26(f) DISCOVERY PLAN:

- A. Initial Disclosures: Counsel confirm that the Initial Disclosures have been served:

The parties have agreed that these disclosures will be served by July 10, 2020.

Plaintiff:

Defendant:

☒ Yes ___ No

___ Yes ___ No

- B. Stipulation and Order of Confidentiality: Counsel confirm that they have consulted in good faith regarding the need for such an order:

☒ Yes ___ No

Based on that consultation, counsel find that a Stipulation and Order of Confidentiality is:

☒ Needed ___ Not needed

- C. Electronically Stored Information (“ESI”): Counsel confirm that they have met and conferred regarding the existence of any relevant ESI on both sides:

☒ Yes ___ No

The parties have had a preliminary discussion about the type of ESI which is in their clients’ respective possession or control and how they wish to have such ESI produced:

The parties have not yet discussed the format of any such production but envision they will be able to agree on such format given Plaintiffs’ limited request for ESI at this time.

☒ Yes ___ No

Based on those discussions, counsel are advising the Court that the relevant ESI consists of:

1. At this time, Plaintiffs do not have a complete understanding of what documents Defendants maintain in hard copy and what documents Defendants maintain electronically. Plaintiffs will be seeking, *inter alia*, documents concerning Plaintiffs' (and class Plaintiffs') wages and the frequency of their payment (e.g. pay stubs, payroll records, W-2s) documents concerning the Plaintiffs' (and class Plaintiffs') job duties (e.g. job descriptions, job postings, emails, performance evaluations) and any notices given to Plaintiffs' (and class Plaintiffs') in accordance with NYLL § 195 (1). To the extent said documents are all maintained in hard copy, it is not anticipated that Plaintiffs will require ESI. If said documents are not maintained in hard copy, Plaintiffs will seek electronic versions of same. It is not anticipated that Plaintiffs will need any metadata. Unisys notes that it changed payroll providers approximately three years ago and therefore may have difficulty retrieving Pay Stubs prior to the date of the change in payroll providers. It will keep Plaintiffs apprised of issues it encounters in this regard as necessary. Unisys does not at this time anticipate any issues with retrieving Pay Stubs for the period after the change in payroll providers to the present. Defendants will address limitations on producing ESI, if any, if and when specific requests are made therefor, as well as the proposed scope of discovery at the appropriate time.
2. Depending on discovery Unisys may rely on other forms of ESI such as information contained in its ticketing system and its time and attendance system. At this time, Unisys does not anticipate issues with retrieving this information, but will keep Plaintiffs apprised of any such issues to the extent they arise.

D. HIPAA Release Authorizations: Counsel confirm that such authorizations for this case are:

☐ Needed ☒ Not Needed

SO ORDERED:

Dated:

Central Islip, New York

A. KATHLEEN TOMLINSON
United States Magistrate Judge